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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Alexander D. S. ELLIN et al.

Application No.: 10/500,716

Filed: July 6, 2004

For: LASER MARKING

Group Art Unit: 1725

Examiner: S. HEINRICH

Docket No.: 120299

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction Requirement mailed January 31, 2006, Applicants provisionally elect Group I, claims 1-36. This election is made with traverse.

Page 2 of the Office Action asserts that the inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. However, the groups of inventions are linked to form a single general inventive concept because there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. In this Application, the groups of inventions relate to the formation of a scale using ultra-short laser pulses.

It is also respectfully submitted that the subject matter of all groups is sufficiently related that a thorough search for the subject matter of the elected group would encompass a search for the subject matter of the remaining groups. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which is stated that "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). It is respectfully submitted that this policy should apply in the present application to avoid unnecessary delay and expense to Applicants and duplicative examination by the U.S. Patent and Trademark Office.

In view of the foregoing, it is respectfully submitted that claims 1-41 can be examined without undue burden on the Examiner. Accordingly, it is respectfully requested that the Restriction Requirement be withdrawn.

Respectfully submitted,

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Date: February 27, 2006

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